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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 25, 2002

APPLICATION OF

WINSTAR OF VIRGINIA, LLC

CASE NO. PUC-2002-00010

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services and for interim  
operating authority

ORDER AMENDING PROCEDURAL SCHEDULE

On February 25, 2002, the State Corporation Commission ("Commission") entered an Order for Notice and Comment and Grant of Interim Operating Authority in the above-captioned matter. That Order established a procedural schedule for the consideration of the application for certificates of public convenience and necessity ("certificates") filed by Winstar of Virginia, LLC ("Winstar" or "Applicant"). Persons desiring to comment on Winstar's application were directed to file written comments on or before April 12, 2002. The Commission Staff was directed to analyze the reasonableness of the application and present its findings in a Staff Report to be filed on or before April 30, 2002.

<b>Effective April 9, 2002, the new Case Management System requires that the case number format for all Commission orders change from, <u>e.g.</u>, PUE010663 to the following: PUE-2001-00663.</b>
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On April 12, 2002, Verizon Virginia Inc. ("Verizon Virginia") filed comments on the application requesting that the Commission condition approval upon the Applicant's taking assignment of the facilities and services that are being used by Winstar to provide services to the customers of Winstar Wireless of Virginia, LLC ("Winstar Wireless").<sup>1</sup> According to the comments, Winstar has not been assigned the interconnection agreement or any other arrangements between Verizon Virginia and Winstar Wireless. Verizon Virginia states that, without assignment, the Applicant's customers are at risk of service disruption because Verizon Virginia would be within its rights to disconnect facilities and services being used and, therefore, continuation of service cannot be assured.

NOW THE COMMISSION, upon consideration of Verizon Virginia's comments, is of the opinion that the procedural schedule should be amended. Verizon Virginia's comments raise serious allegations regarding the Applicant's ability to continue to provide quality service to its customers, and we believe that it is in the public interest to allow Winstar to respond. We find that Winstar should be directed to respond to Verizon Virginia's comments and that the date for the filing of the Staff Report should be extended.

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<sup>1</sup> Winstar has interim operating authority to provide service to the current customers of Winstar Wireless.

Accordingly, IT IS ORDERED THAT:

(1) On or before May 13, 2002, Winstar shall file with the Clerk of the Commission an original and fifteen (15) copies of a response to the comments filed by Verizon Virginia.

(2) Commission Staff shall analyze the reasonableness of Winstar's application and shall present its findings in a Staff Report to be filed on or before June 3, 2002.

(3) All other provisions of our February 25, 2002, Order for Notice and Comment and Grant of Interim Operating Authority shall remain in full force and effect.